

REMARKS

In response to the Office Action dated October 11, 2007, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims.

Claims 1-9 were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over U.S. Patent Application Publication No. 2002/0184539 (Fukuda et al.) in view of U.S. Patent Application Publication No. 2006/0005028 (Labaton). In rejecting the claims, the Office Action essentially characterizes the Fukuda reference as disclosing all of the claimed subject matter, with the exception of using an asymmetrical algorithm, and concatenating a random number with a first identifier. To this end, the Office Action refers to the Labaton reference as disclosing such features, and alleges that it would be obvious to employ them in the context of the Fukuda reference.

Applicant respectfully submits that there are other, fundamental differences between the subject matter of the rejected claims and the Fukuda reference, which are neither disclosed, nor suggested, by the Labaton reference. Furthermore, the Office Action does not offer any explanation of the reasons why a person of ordinary skill in the art would modify the teachings of the Fukuda reference in view of the Labaton reference. Accordingly, the rejection is respectfully traversed.

The claimed subject matter is directed to the identification of a user terminal, or the user of such a terminal, by a server in a telecommunications network. As described in the background portion of the present application, when a user of a mobile terminal, such as a cellular telephone, first switches the terminal on, it is necessary to identify the terminal at a server associated with the communications network. In the past, this may have been accomplished by transmitting an identifier

of the terminal, or the user, to the server, as clear text. Since this method of identification can lead to security breaches, the claimed subject matter provides for the transmission of an anonymous identifier to the server, to protect the integrity of the terminal's unique identifier. The generation of the anonymous identifier is controlled at the terminal, with the use of an asymmetric algorithm.

It is respectfully submitted that the Fukuda reference is directed to an entirely different objective, and consequently does not disclose the features of the claimed subject matter, whether considered by itself or in combination with the Labaton reference. More particularly, the Fukuda reference discloses an arrangement in which a user can download an electronic ticket to his or her mobile telephone, to be used in place of a paper ticket to gain admission to a venue, such a concert hall. Referring to the flow chart depicted in Figure 15, as well as the corresponding description in paragraphs [0176]-[0196], the process begins when the user selects a particular event for which he or she would like a ticket. The screen for selecting the event is illustrated in Figure 18 of the reference. When the user selects a particular event to attend, a request is sent to the authentication site 8 (step S2).

At the authentication site, a cyber code generation program is created, which is specific to that user's request. (S13). The cyber code generation program is then downloaded to the user's mobile telephone (S16, S5).

In essence, the cyber code generation program is an algorithm that generates a two-dimensional coded image, an example of which is illustrated in Figure 14. When the user shows up at the admission gate for the event of interest, the cyber code generation program is activated to cause the coded image to appear on the LCD display of the user's mobile telephone. See Figure 22, and paragraph [0200].

This image is detected by a ticketless terminal 3 at the event venue, which derives a code number from the image and transmits the code number to the authentication site 8. This code number includes a user ID, which the authentication site utilizes to re-generate the cyber code generation program. This regenerated program is then employed at the authentication site to generate a cyber code. The cyber code generated at the site is compared with the code that is transmitted from the ticketless terminal, to see if they match. If so, the user is authenticated, and permitted to enter the venue to attend the event.

From the foregoing, it can be appreciated that the Fukuda reference is directed to a technique which is entirely different from that of the claimed invention, namely, the generation of electronic tickets that can be deployed to mobile telephones, for admission to an event for which the user has purchased a ticket. Because of this difference, the Fukuda reference does not disclose a number of features set forth in the claims.

For example, claim 1 recites a process that includes the step of generating a random number in the user terminal resource. The Fukuda reference does not disclose that a random is generated in the terminal resource, i.e., the mobile telephone. Rather, the Fukuda reference only discloses that random numbers are employed at the authentication site, i.e., the server, in connection with a seed generation program 222. See paragraph 160, which describes the operation of the issuing/authentication server 11. In the system of the Fukuda reference, the cyber code generation program is provided to the mobile telephone from this server. Due to the nature of its operation, and its origin at the authentication server, there is no reason to generate a random number at the mobile telephone.

Another step recited in claim 1 pertains to the operation at the server resource. Specifically, the claim states that in the server resource, the first identifier is retrieved "by executing the asymmetrical algorithm to which a private key and ... the second identifier are applied". In rejecting the claims, it is assumed that the Examiner is interpreting the first identifier to be the user ID (UID). In the system of the Fukuda reference, this user ID is not obtained by applying a private key and the second identifier, i.e., the cyber code, to an algorithm. Rather, the user ID is transmitted directly to the server from the ticketless terminal. See paragraph [0203], second sentence.

Because of these differences, it is respectfully submitted that the Fukuda patent cannot be interpreted to be suggest the claimed subject matter to a person of ordinary skill in the art, regardless of whether or not it discloses the use of an asymmetrical algorithm. In the process of claim 1, the generation of the second identifier occurs under the control of the terminal, through the claimed steps of generating a random number in the user terminal resource, and determining in the terminal resource a second identifier as a function of the random number and at least part of the first identifier, as a result of executing an asymmetrical algorithm. This second identifier, which is determined in the terminal, is then transmitted to the server.

In contrast, the Fukuda reference discloses that the creation of the unique user authentication key with the use of a random number, i.e., the cyber code generating program, occurs at the server. The only operation that occurs in the terminal is the execution of that program, to recreate the cyber code. In doing so, the cyber code generation program does not employ a first identifier, e.g., the user

ID, to create a second identifier, e.g., the cyber code. Rather, the cyber code is directly created through the execution of the program, without reference to the user ID.

As noted in the Office Action, the Fukuda reference does not disclose the use of an asymmetric algorithm. To this end, the Office Action notes that Labaton reference discloses the use of asymmetric algorithms, and alleges that it will be obvious to employ such in the system of the Fukuda reference. What the Office Action fails to explain, however, is how an asymmetric algorithm would be employed in the context of the Fukuda reference. More importantly, it does not explain any reason *why* a person of ordinary skill in the art would make such a combination.

The Labaton reference is not directed to the same subject matter as the Fukuda reference. Rather, it is concerned with digital signatures of data. It discloses the use of an asymmetric key for the purpose of creating a digital signature. There is no apparent relationship between the digital signatures that are discussed in the Labaton reference and the electronic tickets of the Fukuda reference. The Office Action does not establish any nexus between these two references that would lead a person of ordinary skill in the art to use digital signatures in the context of the Fukuda reference.

The mere fact that asymmetric algorithms, per se, are known for other purposes does not automatically lead to the conclusion that it would be obvious to employ them in the context of the Fukuda reference.

In view of the foregoing, it is respectfully submitted that the references do not suggest the subject matter of claim 1 to a person of ordinary skill in the art, because (1) the Fukuda reference does not disclose a number of the steps recited in the claim

and (2) there is no apparent reason to apply the teachings of the Labaton reference to the system of the Fukuda reference. If the rejection of the claims is not withdrawn, the Examiner is respectfully requested to explain the following points:

(a) where the Fukuda reference discloses the generation of a random number in a user terminal;

(b) what elements in the Fukuda reference are considered to be the "first identifier" and the "second identifier";

(c) where the Fukuda reference discloses that the server retrieves such a first identifier by executing an algorithm to which a private key and second identifier are applied;

(d) how the asymmetric algorithm of the Labaton reference is to be applied in the context of the method disclosed in the Fukuda reference; and

(e) the reason why a person of ordinary skill in the art would find it obvious to combine the references in such a manner.

In the absence of such showings, it is respectfully submitted that the rejection cannot be maintained.

While the foregoing arguments have been presented in the context of claim 1, it is respectfully submitted that the distinctions identified above are equally applicable to independent claim 8. Furthermore, dependent claims 2-7 and 9 recite additional distinguishing features of the invention. In view of the fundamental differences identified above, a detailed discussion of these additional distinctions is believed to be unnecessary at this time.

New claims 10-15 are submitted to be likewise patentable over the references, for at least the reasons identified above.

Reconsideration and withdrawal of the rejection, and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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